

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **JOSE ORLANDO GOMEZ APONTE**
SSN xxx-xx-4795

CASE NO: **18-01896-ESL**

Debtor(s)

Chapter 13

TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$132.00** Outstanding (Through the Plan): **\$2,868.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: ☒ Under Median Income 36 months ☐ Above Median Income 60 months §1325(b)(1)(B)
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$0.00**

Liquidation Value: \$0.00 Estimated Priority Debt: \$4,816.53

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the (amended) Plan date: **Apr 09, 2018 (Dkt 2)** **Plan Base: \$26,280.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.: **0 %**

The Trustee objects to confirmation for the following reasons:

[1325(a)(4)] Plan fails Creditors Best Interest Test.

Debtor has failed to list a 1996 Ford Mustang as property of the estate. Vehicle is under debtor's name and was bought for the use of his student son.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to pay 100% of [507] priority claims. [1322(d)(1)]

The minimum base needed totals approximately \$31,100.00.

[1325(a)(8)] DSO Payment Default – Debtor(s) is in default with post-petition DSO payments.

Debtor has failed to submit evidence of being current with post petition DSO payments. Debtor must continue to submit evidence of being current with such obligation until the confirmation of the plan. Debtor has one DSO account.

Debtor incorrectly listed Asume's claim in section 4.5. Please note section 4.5 is about debt assigned or owed to a governmental unit and treated pursuant o to 11 U.S.C. § 1322(a)(4). - Debtor must amend the plan to move the provision for ASUME to section 4.4.

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

- Fails to disclose income.

Debtor has failed to list food stamp of common law spouse in Schedule I.

Adequate Protection Payments

- Debtor failed to provide adequate protection payments for creditor.

Section 4.6 Re: First Bank.

*OTHER COMMENTS / OBJECTIONS

NONE.

NOTICE

14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: June 01, 2018

/s/ Nannette Godreau, Esq.

Last Docket Verified: 9 Last Claim Verified: 5 CMC: